

Application No.: 10/791,215
Amendment Dated: December 6, 2005
Reply to Office action of: November 28, 2005
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REMARKS

Summary of Changes Made

The undersigned attorneys thank Examiner Padgett for her time via telephone in recent days.

Claims 18 and 19 have been amended to fully independent form incorporating all limitations of the base claim and intervening claims. As amended, each of claims 18 and 19 positively recites the presence of "crystal seed powder" and "metal and metal oxide materials." Claims 1-17 have been canceled without prejudice or disclaimer. Accordingly claims 18 and 19 (2 claims) remain pending in the application.

Claim Objections 37 C.F.R. 1.75(c)

Claims 18 and 19 were objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner will note that claims 18 and 19 have been amended to fully independent form. Claims 18 and 19 each positively recite the presence of "crystal seed powder" and "metal and metal oxide materials," because the ranges of those ingredients do not include zero.

It is believed that the amendments to claims 18 and 19, both (1) comply with a requirement set forth in the Office Action of July 19, 2005 (37 C.F.R. § 1.116(b)), (2) present rejected claims in better condition for appeal (37 C.F.R. § 1.116(c)), and (3) rewrite dependent claims in independent form (37 C.F.R. § 41.33 (b)(2)), all of which are reasons for the submission and acceptance of an amendment after final into the record.

Claim Rejections - 35 U.S.C. §103(a) (Heyman/Axtell/ Boaz)

Claims 1-2 and 7-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Heyman et al U.S. 4,327,283 ("Heyman") in view of Axtell III, et al, U.S. 6,238,847 ("Axtell") in further view of Boaz U.S. 4,477,486 ("Boaz").

The Examiner will note that claims 1-17 have been canceled, thus rendering the rejection of claims 1-2 and 7-16 moot.

Claim Rejections - 35 U.S.C. §103(a) (Heyman/ Axtell/ Boaz/ Sakoske)

Claims 7 and 16-19 were rejected under 35 U.S.C. 103(a) as being unpatentable over